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[Redacted signature]

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AUG 21 1986

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Office of the Secretary

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August 21, 1986

William J. Tricarico
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20005

Re: "Southwest Educational Media Foundation, Inc.
New Non-commercial FM Station (Channel 219)
Lake Charles, Louisiana
File No. BPED-831216BU

Dear Sir:

On August 18, 1986, our client Freedom TV Sub, Inc. filed an informal objection to the grant of the above-referenced application of Southwest Educational Media Foundation, Inc. for a permit to construct a new non-commercial educational FM station on Channel 219 at Lake Charles, Louisiana. The caption appearing on the first page of the informal objection inadvertently listed the corporate domicile of Southwest Educational Media Foundation, Inc. (Dallas, Texas) rather than the location of its proposed FM facility (Lake Charles, Louisiana).

A copy of the objection with the corrected caption is enclosed.

Please inform me if any questions should arise concerning this matter.

Respectfully submitted,

John S. Logan
John S. Logan

JSL:DFD:lbg

REC'D MASS MED BUR

AUG 26 1986

PUBLIC REF. ROOM

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CORRECTED COPY

AUG 21 1986

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FCC
Office of the Secretary

In the Matter of the Application of:

SOUTHWEST EDUCATIONAL MEDIA)
FOUNDATION, INC.)
Lake Charles, Louisiana)
For a Permit to Construct a New)
Non-Commercial Educational FM)
Station on Channel 219)

File No. BPED-831216BU

REC'D MASS MED BUR

To: The Chief, Mass Media Bureau

AUG 26 1986

PUBLIC REF. ROOM

OBJECTION OF FREEDOM TV SUB, INC.

Freedom TV Sub, Inc. ("Freedom"), licensee of
Television Station KFDM-TV, Channel 6, Beaumont, Texas
("KFDM-TV"), hereby objects to the above-referenced applica-
tion of Southwest Educational Media Foundation, Inc.
("SEMF") for a permit to construct a new non-commercial edu-
cational FM ("NCE-FM") station on Channel 219 at Lake
Charles, Louisiana.

SEMF's application was first filed with the
Commission on December 16, 1983, and was amended on June 25,
1984 and October 2, 1985 (the "October Amendment"). The
October Amendment requested to bring the application into

Docket No. 20735 to establish standards for NCE-FM interference to television stations broadcasting on Channel 6.^{1/}

In relevant part, these rules provide that no permit to construct a new NCE-FM station will be granted unless the

population within the 87.5 dBu contour and -- assuming that this population was distributed evenly within that contour -- multiplied the total population figure by 61.11%. ^{2/} Similarly, SEMF determined the population figure for the 81.5 dBu contour by multiplying 38.89% by the total population within the 81.5 dBu contour -- again assuming that the population was uniformly distributed in this contour. See October Amendment, Exhibit E-8.

The error of SEMF's methodology is its assumption of uniform population within the two contours. As set forth in Section 73.525(e)(2) of the Commission's Rules, the required method for calculating the population within the PIA is to determine the proportion of each civil subdivision falling within the PIA and to count that proportion of the population assuming uniform population within each subdivision. See Engineering Statement of Herman E. Hurst, Jr. (attached hereto as Exhibit A) at 3 (the "Hurst Statement").

^{2/} Section 73.525(e)(1)(iii) requires an adjustment of 6dB for television antenna receiving directivity to be added to each NCE-FM interference contour at all points outside the Grade A field strength contour of the TV Channel 6 station. This section of the PIA is limited to the area within an arc defined by the range of angles, of which the proposed site of the NCE-FM is the vertex, from 110 degrees relative to the azimuth from the NCE-FM transmitter site to the TV Channel 6 transmitter site, counterclockwise to 250 degrees relative to that azimuth. 61.11% equals that portion of the circular 81.5 dBu contour between 110° and 250° (moving counterclockwise) as drawn for determining the PIA of SEMF's proposed NCE-FM.

SEMF's method dilutes the dense population within the Iowa Township throughout KFDM-TV's entire service area. Consequently, significant numbers of Iowa Township residents who are within the PIA are not counted. Using the method prescribed by Section 73.525(e)(2), the population within the PIA contains 3568 persons. Hurst Statement at 3.

In sum, SEMF's claim that fewer than 3,000 persons within the KFDM-TV service area will receive interference from SEMF's proposed operation is based upon a fundamental miscalculation. When the correct procedures required by Section 73.525(e)(2) are used, SEMF cannot demonstrate that fewer than 3,000 persons reside within the PIA of its proposed facility as required by the Commission's Rules. To the contrary, the area's population exceeds the limit imposed by Section 73.525(c) by nearly 20 percent.

CONCLUSION

For the foregoing reasons, Freedom respectfully requests that the Commission require SEMF to amend its application to provide for suppression of its signal to the extent necessary to assure KFDM-TV of the full protection from interference to which the station is entitled. In the

alternative, Freedom requests that the Commission dismiss SEMF's application for failure to make the affirmative population showing required of all NCE-FM applications by Section 73.525(b) of the Commission's Rules.

Respectfully submitted,
FREEDOM TV SUB, INC.

By:


Werner K. Hartenberger

By:


John S. Logan

Its Attorneys

Dow, Lohnes & Albertson
1255 Twenty-third Street, N.W.
Suite 500
Washington, D.C. 20037

Dated: August 18, 1986



Carl T. Jones Corporation

STATEMENT OF HERMAN E. HURST, JR.
IN SUPPORT OF AN
INFORMAL OBJECTION TO AN
APPLICATION FOR CONSTRUCTION PERMIT
BPED-831216BU - LAKE CHARLES, LOUISIANA

Prepared For: Freedom-TV Sub, Inc.

I am a Radio Engineer, an employee in the firm of Carl T. Jones Corporation, with offices located in Springfield, Virginia.

My education and experience are a matter of record with the Federal Communications Commission.

This office has been authorized by Freedom TV Sub, Inc., licensee of Television Station KFDM, Beaumont, Texas, to prepare this statement and associated exhibit in support of an informal objection to an Application for Construction Permit (BPED-831216BU) submitted by the Southwest Educational Media Foundation, Inc. (Southwest).

Southwest has applied for a new Noncommercial Educational FM (NCE-FM) facility in Lake Charles, Louisiana. As amended on October 2, 1985, the application requests authority to construct a facility on Channel 219 with an ERP of 3 kW at 100 meters AAT. KFDM(TV) operates on Channel 6 serving Beaumont, Texas. Commission Rules require all NCE-FM applicants to protect TV Channel 6 operations within a set distance of the NCE-FM site, depending

STATEMENT OF HERMAN E. HURST, JR.
KFDM(TV) - BEAUMONT, TEXAS
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on the proposed NCE-FM channel of operation. In the case of Channel 219, TV Channel 6 facilities within 159 km of the proposed site are considered "affected" stations. Since KFDM(TV) is located 89.2 km from the NCE-FM site proposed by Southwest, it is an affected station as defined in Section 73.525(a)(1) of the Rules and Regulations.

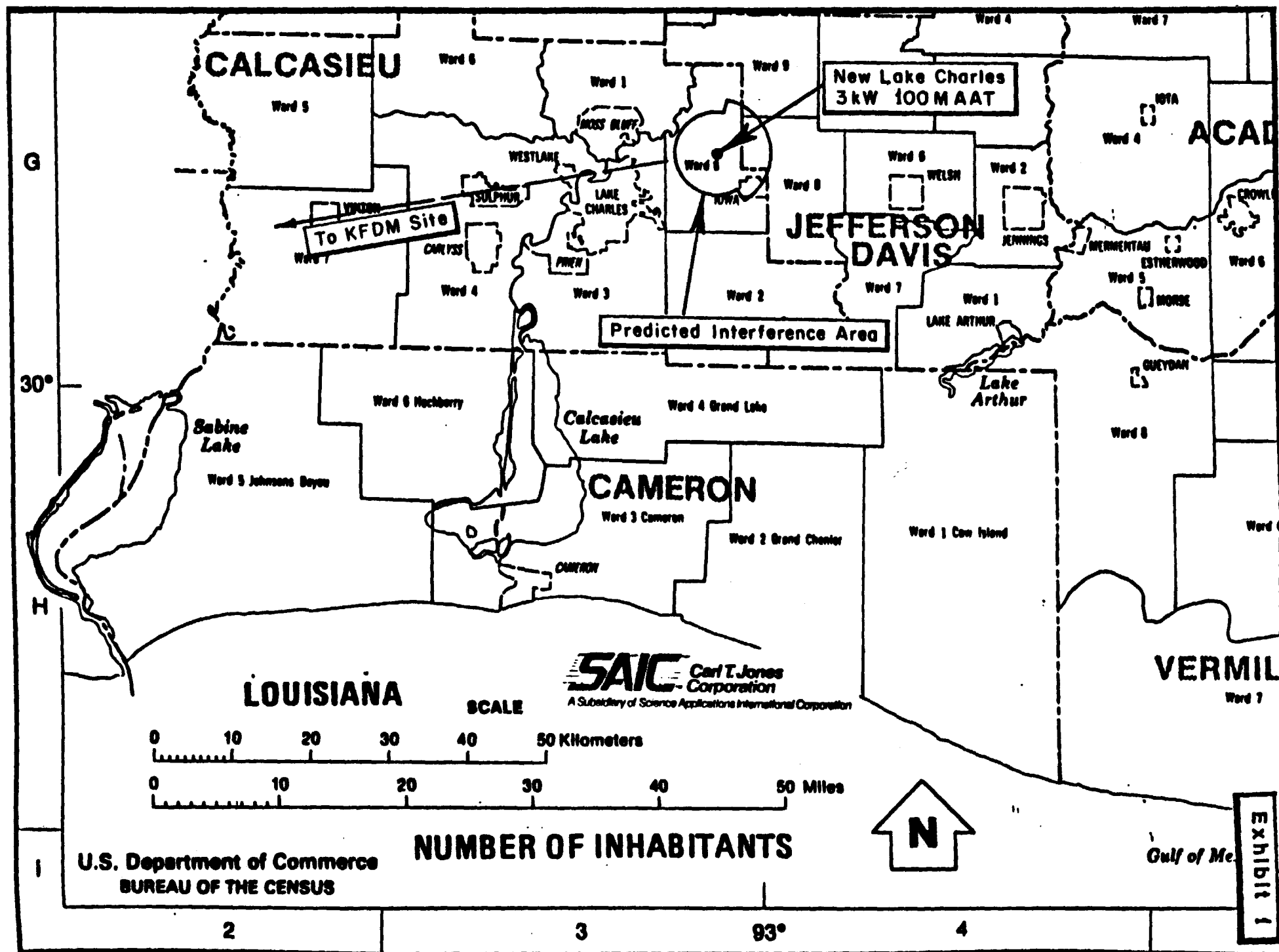
Section 73.525(c) of the Rules requires all new non-colocated NCE-FM applicants submit a showing indicating that the predicted interference area to affected Channel 6 television stations resulting from the proposed facility contains no more than 3,000 persons. The amended application submitted by Southwest has provided such a study. However, upon review by this office, it has been determined that the populations presented in the study are incorrect.

To understand this conclusion, it is helpful to refer to the attached Exhibit 1. This exhibit depicts the predicted area of interference to KFDM(TV) from the proposed NCE-FM facility. The method the applicant used to calculate populations within this area is incorrect. The applicant determined the total population within the 87.5 dBu contour and, assuming that this population was evenly distributed within that contour, then determined 61.11% of this total population. This percentage equals the portion of the circle between 250° and 110°. In a like manner, the applicant determined the total population within the 81.5 dBu contour and, assuming uniform distribution of population, then determined 38.89% of this population and summed the two numbers of persons. The error in this method of population counting is in the assumption of uniform population within the two contours. This method dilutes the dense population within the Iowa

STATEMENT OF HERMAN E. HURST, JR.
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Township throughout the entire service area. As a result, a significant portion of the Iowa Township residents who are within the interference area are not counted.

The correct method for determining the population within the area of interference, as set forth in Section 73.525(e)(2), is to determine the percentage of each civil subdivision that is within the interference area



CERTIFICATE OF SERVICE

I, Lisa C. Gordian, do hereby certify that I have
this 21st day of August, 1986 served a copy of the foregoing
by first class United State mail, postage prepaid, on the
following:

James C. McKinney, Chief*
Mass Media Bureau
1919 M Street, N.W.
Room 314
Washington, D.C. 20037

T. Kent Atkins
President
Southwest Educational
Media Foundation, Inc.
7146 Bayberry
Dallas, Texas 75249


Lisa C. Gordian

* By Hand